

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

'01 FEB 28 PM 3 25

IN RE: PETITION OF MEMPHIS)
NETWORK, LLC FOR APPROVAL OF) OFFICE OF THE
A TELECOMMUNICATIONS) EXECUTIVE SECRETARY
FRANCHISE WITH THE CITY OF) DOCKET NO. 01-00091
MEMPHIS)

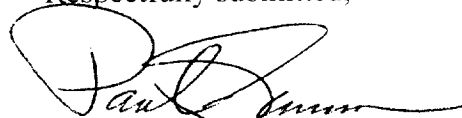
CONSUMER ADVOCATE AND PROTECTION DIVISION'S
PETITION TO INTERVENE

Comes Paul G. Summers, the Attorney General & Reporter, through his Consumer Advocate and Protection Division, (hereinafter "Attorney General") pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and petitions to intervene in this case in the public interest on behalf of consumers of Tennessee who will be affected by the proposal by a joint venture involving the municipal utility Memphis Light Gas & Water ("MLGW") to build and operate a telecommunications service in the Memphis area. The joint venture is known as Memphis Networx LLC, and consists of MLGW and Memphis Broadband LLC. For cause the Petitioner would show as follows:

1. The Attorney General is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the public interest of Tennessee consumers in accordance with the Uniform Administrative Procedures Act (UAPA).

2. In the present docket, Memphis Networkx LLC is seeking approval by the Tennessee Regulatory Authority ("TRA") of a franchise granted by the City of Memphis for the proposed telecommunications service to be offered by a joint venture known as Memphis Networkx LLC which consists of MLGW and Memphis Broadband LLC.
3. In a case currently pending before the TRA, Docket No. 99-00909, Memphis Networkx is seeking a Certificate of Convenience and Necessity ("CCN") to operate a proposed telecommunications network in the Memphis area. The Attorney General was granted the right to intervene in that case upon submission of a Petition to Intervene.
4. As part of the process of entering the telecommunication business in the Memphis area, Memphis Networkx has obtained a franchise from the City of Memphis.
5. Memphis Networkx has now submitted that franchise to the TRA for its approval in the current Docket No. 01-00091.
6. Accordingly, since the Attorney General is currently participating in the case that will determine whether Memphis Networkx will be granted a CCN, the Attorney General requests to intervene in the related case involving the approval of the franchise granted by the City of Memphis.
- 7.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul G. Summers", written over a horizontal line.

Paul G. Summers, 6285
Attorney General and Reporter

Vance L. Broemel

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Assistant Attorney General

Consumer Advocate and Protection Division

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Certificate of Service

I hereby certify that a true and correct copy of the Petition to Intervene was served on parties below via U.S. Mail, postage prepaid, this March 1, 2001.

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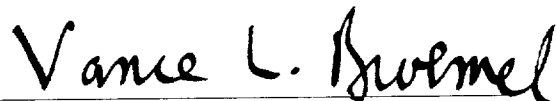
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